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CALIFORNIA BOARD OF LEGAL SPECIALIZATION

March 26, 1992

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MAR 26 1992

HUB LAW OFFICES

The Honorable Michael B. Dufficy
Marin County Superior Court
Hall of Justice
Civil Center Drive
San Rafael, California 94901

Re: Church of Scientology v. Armstrong;
Our File No. SCI02-003

Dear Judge Dufficy:

I enclose the following in connection with the Application of Plaintiff Church of Scientology International for an Order to Show Cause re Contempt:

1. APPLICATION FOR ORDER TO SHOW CAUSE RE CONTEMPT;
2. DECLARATION OF ANDREW H. WILSON;
3. DECLARATION OF LAURIE J. BARTILSON;
4. (PROPOSED) ORDER TO SHOW CAUSE RE CONTEMPT.

Although the customary procedure to initiate contempt proceedings is to seek an order to show cause on an ex parte basis, given the Court's busy schedule and the number of ex parte applications previously submitted in this matter, we have decided to simply transmit the referenced application and supporting declarations to you, with copies to opposing counsel.

We suggest that Defendant Armstrong be given a reasonable period of time, not to exceed five (5) days to submit any counter-declarations he wishes to submit and that the Court then decide on the papers so submitted whether the Order To Show Cause should issue.

Of course, should the Court wish to hear oral argument, we would be happy to appear at the Court's convenience.

We regret having to take up the Court's time with this Application. However, the number and nature of the violations of the Temporary Restraining Order committed by Armstrong compel us to do so. The authority of the Court to consider and rule on this Application emanates from Paragraph 1(c) of this Court's order of March 24, 1992 which gives the Court continuing jurisdiction to enforce the Temporary Restraining Order, and upon this Court's inherent power to supervise and compel performance of its own orders.

Very truly yours,

WILSON, RYAN & CAMPILONGO



Andrew H. Wilson

AHW-0315:pan
Enclosures

cc: Ford Greene (w/enclosures - via hand delivery)
Laurie J. Bartilson (w/enclosures - via regular mail)
Graham Berry (w/enclosures - via regular mail)

1 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
2 235 Montgomery Street
Suite 450
3 San Francisco, California 94104
(415) 391-3900

4 Laurie J. Bartilson
5 BOWLES & MOXON
6 6255 Sunset Boulevard
Suite 2000
7 Hollywood, California 90028
(213) 661-4030

8 Attorneys for Plaintiff
9 CHURCH OF SCIENTOLOGY INTERNATIONAL

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

12) Case No. 152 229
13	CHURCH OF SCIENTOLOGY OF)
14	INTERNATIONAL, a California not-	) APPLICATION FOR ORDER TO
15	for-profit religious corporation;	) SHOW CAUSE WHY GERALD
16		) ARMSTRONG AND FORD GREENE
17		) SHOULD NOT BE HELD IN
18		) CONTEMPT OF COURT
19	Plaintiff,)
20		) [C.C.P. § 1209(a)(5)]
21)
22	vs.	) DATE: March __, 1992
23		) TIME: To be determined
24		) DEPT: 4
25	GERALD ARMSTRONG and DOES 1)
26	through 25, inclusive,	) No trial date
27)
28)
	Defendants.)

23 Plaintiff Church of Scientology International ("the Church")
24 applies ex parte for this Court to issue an order directing
25 defendant Gerald Armstrong ("Armstrong") and his counsel, Ford
26 Greene ("Greene"), to show cause why they should not be held in
27 contempt of this Court, pursuant to section 1209 (a)(5) of the
28 California Code of Civil Procedure.

1 This application is made on the grounds that:

2 ♦ Armstrong acted as an expert witness in Hunziker v.
3 Applied Materials, No. 692629 S.C.S.C., testifying as an expert
4 witness and producing documents on March 13, 1992. Armstrong
5 stated he was testifying "voluntarily" and also that he had been
6 subpoenaed by John Elstead, the attorney who had designated him
7 as an expert. The subpoena (which Armstrong refused to produce)
8 was given to Armstrong by Elstead when he arrived for the
9 deposition. Armstrong provided documents to Elstead voluntarily
10 without any subpoena, telling Elstead at the time of delivery
11 that a TRO had been issued.

12 ♦ Within moments of this Court's granting of a 45-day
13 extension of its Temporary Restraining Order, Armstrong and
14 Greene committed new violations of that Agreement and the TRO in
15 the course of media interviews just outside the door to the
16 courtroom in which the TRO had issued; Armstrong and Greene had
17 invited the media to the hearing through telephone calls and a
18 press release.

19 ♦ Armstrong and Greene, as Armstrong's agent, granted the
20 media additional interviews, from Greene's law offices, which
21 further violated both the Agreement and the TRO issued by this
22 Court.

23 ♦ The press release itself violates the TRO in several
24 respects by disclosing Armstrong's experiences with the Church of
25 Scientology and L. Ron Hubbard at the time of the Settlement
26 Agreement.

27 ♦ Armstrong's breaches in the deposition, and Armstrong's
28 and Greene's breaches in the press release and media interviews

1 were calculated, deliberate and willful. They represent a
2 defiance not only of his unambiguous contractual commitments, but
3 also of the direct and specific injunction of this Court.

4 Based upon the accompanying Declarations of Laurie J.
5 Bartilson and Andrew H. Wilson, and the exhibits submitted with
6 those declarations, the Church now applies for an order directing
7 Armstrong and Greene, and each of them, to appear and to show
8 cause why: (i) they should not be held in contempt of this Court
9 and sanctioned for such contempt, under the provisions of Code of
10 Civil Procedure Sections 1209 et seq.; and (ii) they should not
11 be required to pay the Church's attorneys' fees for these
12 proceedings pursuant to Code of Civil Procedure Section 128.5.

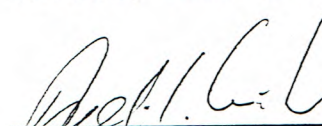
13 This Application is based upon this Application itself; the
14 concurrently filed Declarations of Laurie J. Bartilson and Andrew
15 H. Wilson; the exhibits submitted with those declarations; the
16 records on file in this case; and such further evidence and
17 argument as may be properly presented at the hearing of this
18 Application.

19 Dated: March 26, 1992

Respectfully submitted:

20 WILSON, RYAN & CAMPILONGO

21
22 By:



Andrew H. Wilson

23 Laurie J. Bartilson
24 BOWLES & MOXON

25 Attorneys for Plaintiff
26 CHURCH OF SCIENTOLOGY
27 INTERNATIONAL
28

PROOF OF SERVICE

1
2
3 I declare that I am employed in the City and County of
4 San Francisco, California.

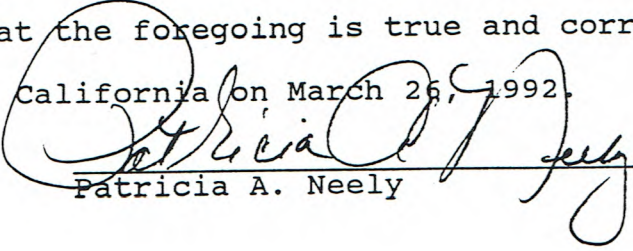
5 I am over the age of eighteen years and not a party to
6 the within entitled action. My business address is 235 Montgomery
7 Street, Suite 450, San Francisco, California.

8 On March 26, 1992, I served the following documents in
9 said cause: APPLICATION FOR ORDER TO SHOW CAUSE WHY GERALD
10 ARMSTRONG AND FORD GREENE SHOULD NOT BE HELD IN CONTEMPT OF COURT,
11 DECLARATIONS OF ANDREW H. WILSON AND LAURIE J. BARTILSON IN
12 SUPPORT OF SAID APPLICATION, AND (PROPOSED) ORDER TO SHOW CAUSE by
13 causing true copies of the same to be hand delivered to the
14 following at the address listed below:

15 Ford Greene, Esq.
16 711 Sir Frances Drake Boulevard
17 San Anselmo, California

18 I declare under the penalty of perjury under the laws of
19 the State of California that the foregoing is true and correct.

20 Executed at San Francisco, California on March 26, 1992.

21 
22 Patricia A. Neely
23
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